

REMARKS

This Amendment in an RCE is filed in response to the Final Office Action of May 17, 2010 in which claims 1-13 and 15-36 were rejected. The claims have been amended for clarity consistent with the further arguments provided below. Support for the amendments to claim 15 can be found at least at page 30, lines 20-29.

Regarding the art rejections, the Office maintains its position by repeating the previously presented argumentation and adding comments with respect to the Applicant's arguments on page 3 of the Detailed Action. In response, the Applicant is of the view that the differences between the present invention and prior art references have not been appreciated. The Office argues that *Tomita* discloses wherein a parameter is defined indicative of the maximum number of data transmission units that precede any data transmission unit in a packet stream in the transmission order and follow the data transmission unit in decoding order (paragraph [0058]; *Tomita* stores the transmission units and indicates a predetermined maximum amount of data in the packet bitstream).

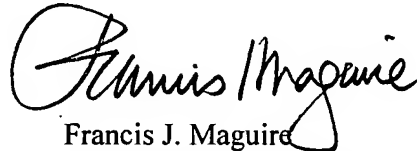
In the present invention the maximum number is not the predetermined maximum amount of data in the packet stream. The maximum number of the present invention indicates the maximum number of such data transmission units which have an earlier transmission order and a later decoding order than another data transmission unit in the packet stream. Applicant has already tried to claim this feature with explanations that will satisfy the Office and it is requested that if the above amendment still does not claim these differences with sufficient clarity that the Examiner call the undersigned in order to try to advance this case to allowance. Applicant would like to emphasize that although *Tomita* teaches a predetermined maximum number of data in the packet, this teaching would not lead a skilled person to the claimed subject matter, although the skilled person were aware of *Harumoto*. The predetermined maximum amount of data of *Tomita* is a consequence of the size of the buffer or some other predetermined parameter whereas the parameter as claimed may be provided to a decoder to determine how large buffer it needs to be able to rearrange received data transmission units in a correct decoding order.

According to the Office, the advantage of *Tomita's* system is providing an accurate synchronization between the RTP packet and the program reference clock (PCR). The parameter as claimed is not for providing an accurate synchronization but e.g. to reserve appropriate buffering resources (i.e. not too much and not too little).

Therefore, it is believed that *Harumoto et al* and *Tomita* are inapplicable as 35 U.S.C. 103(a) references and withdrawal of the obviousness rejections of sections 5 and 6 is requested for at least the reasons provided above.

The rejections of the Final Office Action of May 17, 2010, having been obviated by amendment or shown to be inapplicable withdrawal thereof is requested and passage of all pending claims to issue is earnestly solicited.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Francis J. Maguire". The signature is fluid and cursive, with the first name "Francis" and last name "Maguire" clearly distinguishable.

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